

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANK BARTELL, <u>ET AL.</u>	:	CIVIL ACTION
<i>Plaintiffs,</i>	:	
v.	:	No. 2:19-cv-6056
COMMUNITY COLLEGE OF PHILADELPHIA, <u>ET AL.</u>	:	
<i>Defendants.</i>	:	
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CAROL STEIN, <u>ET AL.</u>	:	CIVIL ACTION
<i>Plaintiffs,</i>	:	
v.	:	No. 2:19-cv-6057
COMMUNITY COLLEGE OF PHILADELPHIA, <u>ET AL.</u>	:	
<i>Defendants.</i>	:	
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MARGARET STEPHENS, <u>ET AL.</u>	:	CIVIL ACTION
<i>Plaintiffs,</i>	:	
v.	:	No. 2:20-cv-1659
COMMUNITY COLLEGE OF PHILADELPHIA, <u>ET AL.</u>	:	
<i>Defendants.</i>	:	
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THOMAS J. QUINN,	:	
	:	CIVIL ACTION
	:	
<i>Plaintiff,</i>	:	
	:	
v.	:	No. 2:20-cv-1666
	:	
COMMUNITY COLLEGE OF	:	
PHILADELPHIA, <u>ET AL.</u> ,	:	
	:	
<i>Defendants.</i>	:	
	:	

ORDER

AND NOW, this 21st day of April, 2021, upon consideration of the Motions to Dismiss by Defendants' Community College of Philadelphia (the "College") and Dr. Donald Guy Generals (Dkt. No. 19-6056, Doc. No. 16; Dkt. 19-6057, Doc. No. 15; Dkt. No. 20-1659, Doc. No. 13; and Dkt. No. 20-1666, Doc. No. 14), Plaintiffs' Memorandum in Opposition (Dkt. No. 19-6056, Doc. No. 17; Dkt. 19-6057, Doc. No. 16; Dkt. No. 20-1659, Doc. No. 14; and Dkt. No. 20-1666, Doc. No. 15), and Defendants' reply (Dkt. No. 19-6056, Doc. No. 18-1; Dkt. 19-6057, Doc. No. 17-1; Dkt. No. 20-1659, Doc. No. 15-1; and Dkt. No. 20-1666, Doc. No. 16-1), it is hereby **ORDERED** that Defendants' Motions to Dismiss are **GRANTED in part and DENIED in part**. The Motions are **GRANTED in part** as follows:

1. Plaintiffs' Age Discrimination in Employment Act ("ADEA") and Pennsylvania Human Relations Act ("PHRA") age discrimination claims based on disparate treatment (Counts I and IV) are **DISMISSED without prejudice**.
2. Plaintiffs' PHRA claim (Count IV) against Dr. Generals in his individual capacity is **DISMISSED with prejudice**. The Clerk of Court is directed to **TERMINATE** Dr. Generals only as a defendant from this matter.

3. Plaintiffs' claims for declaratory relief for violations of the Older Workers Benefit Protection Act (Count III) are **DISMISSED with prejudice**.
4. Plaintiff Bartell's Americans with Disabilities Act disability discrimination and failure to accommodate claims (Count V of the Bartell Complaint) are **DISMISSED without prejudice**.

It is **FURTHER ORDERED** that Defendants' Motions are **DENIED in part** as to Plaintiffs' ADEA and PHRA age discrimination claims based on disparate impact (Counts II and IV).

It is **FURTHER ORDERED** that **within thirty (30) days of the date this Order**, Plaintiffs may file Amended Complaints to attempt to cure, if they can do so in good faith, the deficiencies outlined the accompanying Memorandum Opinion.

BY THE COURT:

/s/ Mitchell S. Goldberg
MITCHELL S. GOLDBERG, J.